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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/811,764

03/29/2004

Dale C. Gledhill

3250.2.1.3

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7590

08/10/2005

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EXAMINER

DINH, PHUONG K

ART UNIT

PAPER NUMBER

2839

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/811,764

Applicant(s)

GLEDHILL ET AL.

Examiner

Phuong KT Dinh

Art Unit

2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 7, 10, 16-20, 25, 28 and 34-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-9, 11-15, 21-24, 26-27, 29-33, 35, 19, 40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1-1-6, 8-9, 11-15, 221-27, 29-33, 39, 40 are objected to because of the following informalities:
2. Claims 1, 39, 40, term "the proximal end" should be changed to - - the distal end - -.
3. Claims 2 and 3, term, "the external surface" has no antecedence basis.
4. Claim 33, "the extension" has no antecedence basis.
5. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 21, 24- 28, 30 -33, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chandler in view of Nattel (U. S. Patent 4,978,092).
8. Regarding claims 1-3, 21, 24-28, 30-33, 39 and 40, Chandler discloses an assembly 10 defining longitudinal lateral and traverse directions substantially orthogonal to one another, the assembly comprising: a connection box 20 having a proximal end 10 shaped to receive a fastener 62 to support the connection box 20 and a distal end,

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spaced in the lateral direction from the proximal end 32, see figure 5, and having a stop (end of 40) and a slide 40; a spacer 50 shaped to insert exclusively by linear translation without tools, within the slide to the stop and the spacer 50 extending from the proximal end to support the connection box 20 in the transverse direction when inserted into the slide against the stop. Chandler discloses the claimed invention except for the claimed invention except for the spacer having at least one fracture region providing controller fracture in response bending stress to adjustable in length. Nattel discloses score line 36, see figure 4. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chandler to provide the score lines as taught by Nattel so as to be able to adjust for different depth of box or wall structure.

9. Claims 4-6, 8-9, 11-15, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chandler in view of Nattel (U. S. Patent 4,978,092) and further in view of Doherty (U. S. Patent 6,147,304).

10. Regarding claims 4, 22, Chandler and Nattel disclose the claimed invention except for the connection box is further provided with an aperture to receive transmission line from a signal source and terminating therewith. Doherty discloses an aperture see figure 3. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chandler and Nattel to provide the aperture as taught by Doherty so as to provide the wire can enter the box

11. Regarding claims 5-6, 8-9, 11-15 Chandler in view of Nattel disclose the claimed invention except for a multi-gang connection box. Doherty discloses a multi-gang connection box at 10. It would have been obvious to one of ordinary skill in the art at the

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time the invention was made to modify Chandler and Nattel to provide the multi-gang connection box as taught by Doherty so as to provide more device.

12. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chandler in view of Doherty (U. S. Patent 6,147,304).

13. Regarding claim 23, Chandler discloses the claimed invention except for a multi-gang connection box. Doherty discloses a multi-gang connection box at 10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chandler to provide the multi-gang connection box as taught by Doherty so as to provide more device.

### ***Response to Arguments***

Applicant argues that neither Chandler, Nattel nor Doherty teaches a spacer having a fracture region providing control fracture in response to bending. The Examiner respectfully disagrees. Chandler, Nattel and Doherty disclosed as discussed above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuong KT Dinh whose telephone number is 571-272-2090. The examiner can normally be reached on 8 -5, 5 days a week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TC Patel can be reached on 571-272-2098. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Phuong Dinh', with a stylized flourish.

Phuong Dinh  
August 06, 2005.

Phuong KT Dinh  
Primary Examiner  
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